



General Assembly

February Session, 2016

Raised Bill No. 5641

LCO No. 3233



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING PROVISIONAL PARDONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-130a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Jurisdiction over the granting of, and the authority to grant,
4 commutations of punishment or releases, conditioned or absolute, in
5 the case of any person convicted of any offense against the state and
6 commutations from the penalty of death shall be vested in the Board of
7 Pardons and Paroles.

8 (b) The board shall have authority to grant pardons, conditioned,
9 provisional or absolute, or certificates of rehabilitation for any offense
10 against the state at any time after the imposition and before or after the
11 service of any sentence.

12 (c) (1) The board may accept an application for a pardon or a
13 certificate of rehabilitation three years after an applicant's conviction of
14 a misdemeanor or violation and five years after an applicant's

15 conviction of a felony, except that the board, upon a finding of
16 extraordinary circumstances, may accept an application for a pardon
17 prior to such dates.

18 (2) The board may accept an application to have a provisional
19 pardon converted to an absolute pardon as provided in subdivision (3)
20 of subsection (d) of this section.

21 (d) (1) Whenever the board grants an absolute or provisional pardon
22 to any person or converts a person's provisional pardon to an absolute
23 pardon, the board shall cause notification of such pardon or
24 conversion to be made in writing to the clerk of the court in which
25 such person was convicted, or the Office of the Chief Court
26 Administrator if such person was convicted in the Court of Common
27 Pleas, the Circuit Court, a municipal court, or a trial justice court.

28 (2) In accordance with the provisions of section 54-142a, as amended
29 by this act, the granting of (A) an absolute pardon or conversion of a
30 provisional pardon to an absolute pardon entitles a person to erasure
31 of the record of conviction for the offense so pardoned, and (B) a
32 provisional pardon entitles a person to a sealing of the record of the
33 conviction of the offense so pardoned.

34 (3) (A) Whenever any person who was granted a provisional pardon
35 is later convicted of a crime, as defined in section 53a-24, the board
36 shall revoke such provisional pardon and notify the clerk of the court
37 or any person charged with retention and control of the records in the
38 records center of the Judicial Department or any law enforcement
39 agency having information contained in such records that such
40 provisional pardon is revoked and such person's records shall be
41 unsealed in accordance with the provisions of section 54-142a, as
42 amended by this act.

43 (B) Whenever the board grants a provisional pardon to any person
44 who during the five-year period following the granting of such
45 provisional pardon does not have such pardon revoked, such person

46 may apply to have such provisional pardon converted to an absolute
47 pardon pursuant to subsection (c) of this section.

48 (e) Whenever the board grants [a provisional pardon or] a certificate
49 of rehabilitation to any person, the board shall cause notification of
50 such [provisional pardon or] certificate of rehabilitation to be made in
51 writing to the clerk of the court in which such person was convicted.
52 The granting of [a provisional pardon or] a certificate of rehabilitation
53 does not entitle such person to erasure of the record of the conviction
54 of the offense or relieve such person from disclosing the existence of
55 such conviction as may be required.

56 (f) In the case of any person convicted of a violation for which a
57 sentence to a term of imprisonment may be imposed, the board shall
58 have authority to grant a pardon, conditioned, provisional or absolute,
59 or a certificate of rehabilitation in the same manner as in the case of
60 any person convicted of an offense against the state.

61 Sec. 2. Section 54-142a of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2016*):

63 (a) Whenever in any criminal case, on or after October 1, 1969, the
64 accused, by a final judgment, is found not guilty of the charge or the
65 charge is dismissed, all police and court records and records of any
66 state's attorney pertaining to such charge shall be erased upon the
67 expiration of the time to file a writ of error or take an appeal, if an
68 appeal is not taken, or upon final determination of the appeal
69 sustaining a finding of not guilty or a dismissal, if an appeal is taken.
70 Nothing in this subsection shall require the erasure of any record
71 pertaining to a charge for which the defendant was found not guilty by
72 reason of mental disease or defect or guilty but not criminally
73 responsible by reason of mental disease or defect.

74 (b) Whenever in any criminal case prior to October 1, 1969, the
75 accused, by a final judgment, was found not guilty of the charge or the
76 charge was dismissed, all police and court records and records of the

77 state's or prosecuting attorney or the prosecuting grand juror
78 pertaining to such charge shall be erased by operation of law and the
79 clerk or any person charged with the retention and control of such
80 records shall not disclose to anyone their existence or any information
81 pertaining to any charge so erased; provided nothing in this subsection
82 shall prohibit the arrested person or any one of his heirs from filing a
83 petition for erasure with the court granting such not guilty judgment
84 or dismissal, or, where the matter had been before a municipal court, a
85 trial justice, the Circuit Court or the Court of Common Pleas with the
86 records center of the Judicial Department and thereupon all police and
87 court records and records of the state's attorney, prosecuting attorney
88 or prosecuting grand juror pertaining to such charge shall be erased.
89 Nothing in this subsection shall require the erasure of any record
90 pertaining to a charge for which the defendant was found not guilty by
91 reason of mental disease or defect.

92 (c) (1) Whenever any charge in a criminal case has been nolle in the
93 Superior Court, or in the Court of Common Pleas, if at least thirteen
94 months have elapsed since such nolle, all police and court records and
95 records of the state's or prosecuting attorney or the prosecuting grand
96 juror pertaining to such charge shall be erased, except that in cases of
97 nolles entered in the Superior Court, Court of Common Pleas, Circuit
98 Court, municipal court or by a justice of the peace prior to April 1,
99 1972, such records shall be deemed erased by operation of law and the
100 clerk or the person charged with the retention and control of such
101 records shall not disclose to anyone their existence or any information
102 pertaining to any charge so erased, provided nothing in this subsection
103 shall prohibit the arrested person or any one of his heirs from filing a
104 petition to the court or to the records center of the Judicial Department,
105 as the case may be, to have such records erased, in which case such
106 records shall be erased.

107 (2) Whenever any charge in a criminal case has been continued at
108 the request of the prosecuting attorney, and a period of thirteen
109 months has elapsed since the granting of such continuance during

110 which period there has been no prosecution or other disposition of the
111 matter, the charge shall be nolledd upon motion of the arrested person
112 and such erasure may thereafter be effected or a petition filed therefor,
113 as the case may be, as provided in this subsection for nolledd cases.

114 (d) (1) Whenever prior to October 1, 1974, any person who has been
115 convicted of an offense in any court of this state has received an
116 absolute pardon for such offense, such person or any one of his heirs
117 may, at any time subsequent to such pardon, file a petition with the
118 superior court at the location in which such conviction was effected, or
119 with the superior court at the location having custody of the records of
120 such conviction or with the records center of the Judicial Department if
121 such conviction was in the Court of Common Pleas, Circuit Court,
122 municipal court or by a trial justice court, for an order of erasure, and
123 the Superior Court or records center of the Judicial Department shall
124 direct all police and court records and records of the state's or
125 prosecuting attorney pertaining to such case to be erased.

126 (2) Whenever such absolute pardon was received on or after
127 October 1, 1974, such records shall be erased.

128 (e) (1) The clerk of the court or any person charged with retention
129 and control of such records in the records center of the Judicial
130 Department or any law enforcement agency having information
131 contained in such erased records shall not disclose to anyone, except
132 the subject of the record, upon submission pursuant to guidelines
133 prescribed by the Office of the Chief Court Administrator of
134 satisfactory proof of the subject's identity, information pertaining to
135 any charge erased under any provision of this section and such clerk or
136 person charged with the retention and control of such records shall
137 forward a notice of such erasure to any law enforcement agency to
138 which he knows information concerning the arrest has been
139 disseminated and such disseminated information shall be erased from
140 the records of such law enforcement agency. Such clerk or such person,
141 as the case may be, shall provide adequate security measures to

142 safeguard against unauthorized access to or dissemination of such
143 records or upon the request of the accused cause the actual physical
144 destruction of such records, except that such clerk or such person shall
145 not cause the actual physical destruction of such records until three
146 years have elapsed from the date of the final disposition of the criminal
147 case to which such records pertain.

148 (2) No fee shall be charged in any court with respect to any petition
149 under this section.

150 (3) Any person who shall have been the subject of such an erasure
151 shall be deemed to have never been arrested within the meaning of the
152 general statutes with respect to the proceedings so erased and may so
153 swear under oath.

154 (f) (1) Whenever any person who has been convicted of an offense in
155 any court of this state receives a provisional pardon on or after October
156 1, 2016, the records of such conviction shall be sealed in accordance
157 with this subsection.

158 (2) (A) The clerk of the court or any person charged with retention
159 and control of the records in the records center of the Judicial
160 Department or any law enforcement agency having information
161 contained in such records shall not disclose to anyone, except the
162 subject of the record, upon submission pursuant to guidelines
163 prescribed by the Office of the Chief Court Administrator of
164 satisfactory proof of the subject's identity, information pertaining to
165 any charge contained in such record and such clerk or person charged
166 with the retention and control of such records shall forward a notice of
167 such sealing to any law enforcement agency to which such clerk or
168 such person knows information concerning the arrest has been
169 disseminated and such disseminated information shall be sealed in the
170 same manner as provided in this subsection. Such clerk or such person,
171 as the case may be, shall provide adequate security measures to
172 safeguard against unauthorized access to or dissemination of such

173 records.

174 (B) Upon notification by the Board of Pardons and Paroles of any
175 revocation of a person's provisional pardon pursuant to section 54-
176 130a, as amended by this act, the clerk of the court or any person
177 charged with retention and control of the sealed records in the records
178 center of the Judicial Department or any law enforcement agency
179 having information contained in such sealed records of which the
180 subject is the person whose provisional pardon was revoked, shall
181 unseal such records.

182 (3) Any person who shall have been the subject of such sealing
183 during the period of time such records are sealed shall be deemed to
184 have never been arrested within the meaning of the general statutes
185 with respect to the proceedings so sealed and may so swear under
186 oath.

187 (4) Any such record shall be erased if the provisional pardon is
188 converted to an absolute pardon pursuant to section 54-130f, as
189 amended by this act.

190 [(f)] (g) Upon motion properly brought, the court or a judge thereof,
191 if such court is not in session, may order disclosure of such sealed or
192 erased records (1) to a defendant in an action for false arrest arising out
193 of the proceedings so sealed or erased, or (2) to the prosecuting
194 attorney and defense counsel in connection with any perjury charges
195 which the prosecutor alleges may have arisen from the testimony
196 elicited during the trial. Such disclosure of such records is subject also
197 to any records destruction program pursuant to which the records may
198 have been destroyed. The jury charge in connection with sealed or
199 erased offenses may be ordered by the judge for use by the judiciary,
200 provided the names of the accused and the witnesses are omitted
201 therefrom. In the case of sealed records, the court may further grant
202 access to such records to a prosecuting attorney and defense counsel in
203 a case where the person who is the subject of such records is being

204 prosecuted for an offense other than that which was provisionally
205 pardoned.

206 ~~[(g)]~~ (h) The provisions of this section shall not apply to any police
207 or court records or the records of any state's attorney or prosecuting
208 attorney with respect to any information or indictment containing
209 more than one count (1) while the criminal case is pending, or (2) when
210 the criminal case is disposed of unless and until all counts are entitled
211 to erasure in accordance with the provisions of this section, except that
212 when the criminal case is disposed of, electronic records or portions of
213 electronic records released to the public that reference a charge that
214 would otherwise be entitled to erasure under this section shall be
215 erased in accordance with the provisions of this section. Nothing in
216 this section shall require the erasure of any information contained in
217 the registry of protective orders established pursuant to section 51-5c.
218 For the purposes of this subsection, "electronic record" means any
219 police or court record or the record of any state's attorney or
220 prosecuting attorney that is an electronic record, as defined in section
221 1-267, or a computer printout.

222 ~~[(h)]~~ (i) For the purposes of this section, "court records" shall not
223 include a record or transcript of the proceedings made or prepared by
224 an official court reporter, assistant court reporter or monitor.

225 Sec. 3. Section 54-142c of the general statutes is repealed and the
226 following is substituted in lieu thereof (*Effective October 1, 2016*):

227 (a) The clerk of the court or any person charged with retention and
228 control of sealed or erased records by the Chief Court Administrator or
229 any criminal justice agency having information contained in such
230 sealed or erased records shall not disclose to anyone the existence of
231 such sealed or erased records or information pertaining to any charge
232 sealed or erased under any provision of this part, except as otherwise
233 provided in this chapter.

234 (b) Notwithstanding any other provisions of this chapter, within

235 two years from the date of disposition of any case, the clerk of the
236 court or any person charged with retention and control of sealed or
237 erased records by the Chief Court Administrator or any criminal
238 justice agency having information contained in such sealed or erased
239 records may disclose to the victim of a crime or the victim's legal
240 representative the fact that the case was dismissed. If such disclosure
241 contains information from sealed or erased records, the identity of the
242 defendant or defendants shall not be released, except that any
243 information contained in such records, including the identity of the
244 person charged may be released to the victim of the crime or the
245 victim's representative upon written application by such victim or
246 representative to the court stating (1) that a civil action has been
247 commenced for loss or damage resulting from such act, or (2) the
248 intent to bring a civil action for such loss or damage. Any person who
249 obtains criminal history record information by falsely representing to
250 be the victim of a crime or the victim's representative shall be guilty of
251 a class D felony.

252 Sec. 4. Section 54-142e of the general statutes is repealed and the
253 following is substituted in lieu thereof (*Effective October 1, 2016*):

254 (a) Notwithstanding the provisions of subsection (e) of section 54-
255 142a, as amended by this act, and section 54-142c, as amended by this
256 act, with respect to any person, including, but not limited to, a
257 consumer reporting agency as defined in subsection (h) of section 31-
258 51i, as amended by this act, that purchases criminal matters of public
259 record, as defined in said subsection (h), from the Judicial Department,
260 the department shall make available to such person information
261 concerning such criminal matters of public record that [have been] are
262 sealed or have been erased pursuant to section 54-142a, as amended by
263 this act. Such information may include docket numbers or other
264 information that permits the person to identify and permanently delete
265 records that [have been] are sealed or have been erased pursuant to
266 section 54-142a, as amended by this act.

267 (b) Each person, including, but not limited to, a consumer reporting
268 agency, that has purchased records of criminal matters of public record
269 from the Judicial Department shall, prior to disclosing such records, (1)
270 purchase from the Judicial Department, on a monthly basis or on such
271 other schedule as the Judicial Department may establish, any updated
272 criminal matters of public record or information available for the
273 purpose of complying with this section, and (2) update its records of
274 criminal matters of public record to permanently delete such erased
275 records. Such person shall not further disclose such sealed or erased
276 records.

277 Sec. 5. Section 54-142g of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective October 1, 2016*):

279 For purposes of this part and sections 29-11, as amended by this act,
280 and 54-142c, as amended by this act, the following definitions shall
281 apply:

282 (a) "Criminal history record information" means court records and
283 information compiled by criminal justice agencies for purposes of
284 identifying criminal offenders and of maintaining as to each such
285 offender notations of arrests, releases, detentions, indictments,
286 informations, or other formal criminal charges or any events and
287 outcomes arising from those arrests, releases, detentions, including
288 pleas, trials, sentences, appeals, incarcerations, correctional
289 supervision, paroles and releases; but does not include intelligence,
290 presentence investigation, investigative information or any
291 information which may be disclosed pursuant to subsection (f) of
292 section 54-63d.

293 (b) "Criminal justice agency" means any court with criminal
294 jurisdiction, the Department of Motor Vehicles or any other
295 governmental agency created by statute which is authorized by law
296 and engages, in fact, as its principal function in activities constituting
297 the administration of criminal justice, including, but not limited to,

298 organized municipal police departments, the Division of State Police,
299 the Department of Correction, the Court Support Services Division, the
300 Office of Policy and Management, the state's attorneys, assistant state's
301 attorneys and deputy assistant state's attorneys, the Board of Pardons
302 and Paroles, the Chief Medical Examiner and the Office of the Victim
303 Advocate. "Criminal justice agency" includes any component of a
304 public, noncriminal justice agency if such component is created by
305 statute and is authorized by law and, in fact, engages in activities
306 constituting the administration of criminal justice as its principal
307 function.

308 (c) "Conviction information" means criminal history record
309 information [which] that is not sealed or has not been erased, as
310 provided in section 54-142a, as amended by this act, and which
311 discloses that a person has pleaded guilty or nolo contendere to, or
312 was convicted of, any criminal offense, and the terms of the sentence.

313 (d) "Current offender information" means information on the
314 current status and location of all persons who (1) are arrested or
315 summoned to appear in court; (2) are being prosecuted for any
316 criminal offense in Superior Court; (3) have an appeal pending from
317 any criminal conviction; (4) are detained or incarcerated in any
318 correctional facility in this state; or (5) are subject to the jurisdiction or
319 supervision of any probation, parole or correctional agency in this
320 state, including persons transferred to other states for incarceration or
321 supervision.

322 (e) "Nonconviction information" means (1) criminal history record
323 information that is sealed or has been ["erased"] erased pursuant to
324 section 54-142a, as amended by this act; (2) information relating to
325 persons granted youthful offender status; (3) continuances which are
326 more than thirteen months old. Nonconviction information does not
327 mean conviction information or current offender information.

328 (f) "Disclosure" means the communication of information to any

329 person by any means.

330 (g) "Dismissal" means (1) prosecution of the charge against the
331 accused was declined pursuant to rules of court or statute; or (2) the
332 judicial authority granted a motion to dismiss pursuant to rules of
333 court or statute; or (3) the judicial authority found that prosecution is
334 no longer possible due to the limitations imposed by section 54-193.

335 Sec. 6. Subsection (e) of section 46a-80 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective*
337 *October 1, 2016*):

338 (e) In no case may records of arrest, which are not followed by a
339 conviction, or records of convictions, which [have been] are sealed or
340 have been erased, be used, distributed or disseminated by the state or
341 any of its agencies in connection with an application for employment
342 or for a permit, license, certificate or registration.

343 Sec. 7. Section 54-130e of the general statutes is repealed and the
344 following is substituted in lieu thereof (*Effective October 1, 2016*):

345 (a) For the purposes of this section and sections 31-51i, as amended
346 by this act, 46a-80, as amended by this act, 54-108f, 54-130a, as
347 amended by this act, and 54-301:

348 (1) "Barrier" means a denial of employment or a license based on an
349 eligible offender's conviction of a crime without due consideration of
350 whether the nature of the crime bears a direct relationship to such
351 employment or license;

352 (2) "Direct relationship" means that the nature of criminal conduct
353 for which a person was convicted has a direct bearing on the person's
354 fitness or ability to perform one or more of the duties or
355 responsibilities necessarily related to the applicable employment or
356 license;

357 (3) "Certificate of rehabilitation" means a form of relief from barriers

358 or forfeitures to employment or the issuance of licenses, other than a
359 provisional pardon, that is granted to an eligible offender by (A) the
360 Board of Pardons and Paroles pursuant to this section, or (B) the Court
361 Support Services Division of the Judicial Branch pursuant to section
362 54-108f;

363 (4) "Eligible offender" means a person who has been convicted of a
364 crime or crimes in this state or another jurisdiction and who is a
365 resident of this state and (A) is applying for a provisional pardon or is
366 under the jurisdiction of the Board of Pardons and Paroles, or (B) with
367 respect to a certificate of rehabilitation under section 54-108f, is under
368 the supervision of the Court Support Services Division of the Judicial
369 Branch;

370 (5) "Employment" means any remunerative work, occupation or
371 vocation or any form of vocational training, but does not include
372 employment with a law enforcement agency;

373 (6) "Forfeiture" means a disqualification or ineligibility for
374 employment or a license by reason of law based on an eligible
375 offender's conviction of a crime; and

376 (7) "License" means any license, permit, certificate or registration
377 that is required to be issued by the state or any of its agencies to
378 pursue, practice or engage in an occupation, trade, vocation, profession
379 or business. [; and]

380 [(8) "Provisional pardon" means a form of relief from barriers or
381 forfeitures to employment or the issuance of licenses granted to an
382 eligible offender by the Board of Pardons and Paroles pursuant to
383 subsections (b) to (i), inclusive, of this section.]

384 (b) The Board of Pardons and Paroles may issue [a provisional
385 pardon or] a certificate of rehabilitation to relieve an eligible offender
386 of barriers or forfeitures by reason of such person's conviction of the
387 crime or crimes specified in such [provisional pardon or] certificate of

388 rehabilitation. Such [provisional pardon or] certificate of rehabilitation
389 may be limited to one or more enumerated barriers or forfeitures or
390 may relieve the eligible offender of all barriers and forfeitures. Such
391 certificate of rehabilitation shall be labeled by the board as a
392 "Certificate of Employability" or a "Certificate of Suitability for
393 Licensure", or both, as deemed appropriate by the board. No
394 [provisional pardon or] certificate of rehabilitation shall apply or be
395 construed to apply to the right of such person to retain or be eligible
396 for public office.

397 (c) The Board of Pardons and Paroles may, in its discretion, issue [a
398 provisional pardon or] a certificate of rehabilitation to an eligible
399 offender upon verified application of such eligible offender. The board
400 may issue [a provisional pardon or] a certificate of rehabilitation at any
401 time after the sentencing of an eligible offender, including, but not
402 limited to, any time prior to the eligible offender's date of release from
403 the custody of the Commissioner of Correction, probation or parole.
404 Such [provisional pardon or] certificate of rehabilitation may be issued
405 by a pardon panel of the board or a parole release panel of the board.

406 (d) The board shall not issue [a provisional pardon or] a certificate
407 of rehabilitation unless the board is satisfied that:

408 (1) The person to whom [the provisional pardon or] the certificate of
409 rehabilitation is to be issued is an eligible offender;

410 (2) The relief to be granted by [the provisional pardon or] the
411 certificate of rehabilitation may promote the public policy of
412 rehabilitation of ex-offenders through employment; and

413 (3) The relief to be granted by [the provisional pardon or] the
414 certificate of rehabilitation is consistent with the public interest in
415 public safety, the safety of any victim of the offense and the protection
416 of property.

417 (e) In accordance with the provisions of subsection (d) of this

418 section, the board may limit the applicability of [the provisional
419 pardon or] the certificate of rehabilitation to specified types of
420 employment or licensure for which the eligible offender is otherwise
421 qualified.

422 (f) The board may, for the purpose of determining whether such
423 [provisional pardon or] certificate of rehabilitation should be issued,
424 request its staff to conduct an investigation of the applicant and submit
425 to the board a report of the investigation. Any written report
426 submitted to the board pursuant to this subsection shall be confidential
427 and shall not be disclosed except to the applicant and where required
428 or permitted by any provision of the general statutes or upon specific
429 authorization of the board.

430 (g) If [a provisional pardon or] a certificate of rehabilitation is issued
431 by the board pursuant to this section before an eligible offender has
432 completed service of the offender's term of incarceration, probation or
433 parole, or any combination thereof, [the provisional pardon or] the
434 certificate of rehabilitation shall be deemed to be temporary until the
435 eligible offender completes such eligible offender's term of
436 incarceration, probation or parole. During the period that such
437 [provisional pardon or] certificate of rehabilitation is temporary, the
438 board may revoke such [provisional pardon or] certificate of
439 rehabilitation for a violation of the conditions of such eligible
440 offender's probation or parole. After the eligible offender completes
441 such eligible offender's term of incarceration, probation or parole, the
442 temporary [provisional pardon or] certificate of rehabilitation shall
443 become permanent.

444 (h) The board may at any time issue a new [provisional pardon or]
445 certificate of rehabilitation to enlarge the relief previously granted, and
446 the provisions of subsections (b) to (f), inclusive, of this section shall
447 apply to the issuance of any new [provisional pardon or] certificate of
448 rehabilitation.

449 (i) The application for [a provisional pardon or] a certificate of
450 rehabilitation, the report of an investigation conducted pursuant to
451 subsection (f) of this section, [the provisional pardon or] the certificate
452 of rehabilitation and the revocation of [a provisional pardon or] a
453 certificate of rehabilitation shall be in such form and contain such
454 information as the Board of Pardons and Paroles shall prescribe.

455 (j) If a temporary certificate of rehabilitation issued under this
456 section or section 54-108f is revoked, barriers and forfeitures thereby
457 relieved shall be reinstated as of the date the person to whom the
458 temporary certificate of rehabilitation was issued receives written
459 notice of the revocation. Any such person shall surrender the
460 temporary certificate of rehabilitation to the issuing board or division
461 upon receipt of the notice.

462 (k) The board shall revoke a [provisional pardon or] certificate of
463 rehabilitation if the person to whom it was issued is convicted of a
464 crime, as defined in section 53a-24, after the issuance of the
465 [provisional pardon or] certificate of rehabilitation.

466 (l) Not later than October 1, 2015, and annually thereafter, the board
467 shall submit to the Office of Policy and Management and the
468 Connecticut Sentencing Commission, in such form as the office may
469 prescribe, data on the number of applications received for [provisional
470 pardons and] certificates of rehabilitation, the number of applications
471 denied, the number of applications granted and the number of
472 [provisional] pardons and certificates of rehabilitation revoked.

473 Sec. 8. Section 31-51i of the general statutes is repealed and the
474 following is substituted in lieu thereof (*Effective October 1, 2016*):

475 (a) For the purposes of this section, "employer" means any person
476 engaged in business who has one or more employees, including the
477 state or any political subdivision of the state.

478 (b) No employer or employer's agent, representative or designee

479 may require an employee or prospective employee to disclose the
480 existence of any arrest, criminal charge or conviction, the records of
481 which [have been] are sealed or have been erased pursuant to section
482 46b-146, 54-76o or 54-142a, as amended by this act.

483 (c) An employment application form that contains any question
484 concerning the criminal history of the applicant shall contain a notice,
485 in clear and conspicuous language: (1) That the applicant is not
486 required to disclose the existence of any arrest, criminal charge or
487 conviction, the records of which [have been] are sealed or have been
488 erased pursuant to section 46b-146, 54-76o or 54-142a, as amended by
489 this act, (2) that criminal records subject to sealing erasure pursuant to
490 section 46b-146, 54-76o or 54-142a, as amended by this act, are records
491 pertaining to a finding of delinquency or that a child was a member of
492 a family with service needs, an adjudication as a youthful offender, a
493 criminal charge that has been dismissed or nolleed, a criminal charge
494 for which the person has been found not guilty or a conviction for
495 which the person received an absolute or provisional pardon, and (3)
496 that any person whose criminal records [have been] are sealed or have
497 been erased pursuant to section 46b-146, 54-76o or 54-142a, as
498 amended by this act, shall be deemed to have never been arrested
499 within the meaning of the general statutes with respect to the
500 proceedings under seal or so erased and may so swear under oath.

501 (d) No employer or employer's agent, representative or designee
502 shall deny employment to a prospective employee solely on the basis
503 that the prospective employee had a prior arrest, criminal charge or
504 conviction, the records of which [have been] are sealed or have been
505 erased pursuant to section 46b-146, 54-76o or 54-142a, as amended by
506 this act, or that the prospective employee had a prior conviction for
507 which the prospective employee has received a [provisional pardon or]
508 certificate of rehabilitation pursuant to section 54-130a, as amended by
509 this act, or a certificate of rehabilitation pursuant to section 54-108f.

510 (e) No employer or employer's agent, representative or designee

511 shall discharge, or cause to be discharged, or in any manner
512 discriminate against, any employee solely on the basis that the
513 employee had, prior to being employed by such employer, an arrest,
514 criminal charge or conviction, the records of which [have been] are
515 sealed or have been erased pursuant to section 46b-146, 54-76o or 54-
516 142a, as amended by this act, or that the employee had, prior to being
517 employed by such employer, a prior conviction for which the
518 employee has received a [provisional pardon or] certificate of
519 rehabilitation pursuant to section 54-130a, as amended by this act, or a
520 certificate of rehabilitation pursuant to section 54-108f.

521 (f) The portion of an employment application form which contains
522 information concerning the criminal history record of an applicant or
523 employee shall only be available to the members of the personnel
524 department of the company, firm or corporation or, if the company,
525 firm or corporation does not have a personnel department, the person
526 in charge of employment, and to any employee or member of the
527 company, firm or corporation, or an agent of such employee or
528 member, involved in the interviewing of the applicant.

529 (g) Notwithstanding the provisions of subsection (f) of this section,
530 the portion of an employment application form which contains
531 information concerning the criminal history record of an applicant or
532 employee may be made available as necessary to persons other than
533 those specified in said subsection (f) by:

534 (1) A broker-dealer or investment adviser registered under chapter
535 672a in connection with (A) the possible or actual filing of, or the
536 collection or retention of information contained in, a form U-4 Uniform
537 Application for Securities Industry Registration or Transfer, (B) the
538 compliance responsibilities of such broker-dealer or investment
539 adviser under state or federal law, or (C) the applicable rules of self-
540 regulatory organizations promulgated in accordance with federal law;

541 (2) An insured depository institution in connection with (A) the

542 management of risks related to safety and soundness, security or
543 privacy of such institution, (B) any waiver that may possibly or
544 actually be sought by such institution pursuant to section 19 of the
545 Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or
546 actual obtaining by such institution of any security or fidelity bond, or
547 (D) the compliance responsibilities of such institution under state or
548 federal law; and

549 (3) An insurance producer licensed under chapter 701a in
550 connection with (A) the management of risks related to security or
551 privacy of such insurance producer, or (B) the compliance
552 responsibilities of such insurance producer under state or federal law.

553 (h) (1) For the purposes of this subsection: (A) "Consumer reporting
554 agency" means any person who regularly engages, in whole or in part,
555 in the practice of assembling or preparing consumer reports for a fee,
556 which reports compile and report items of information on consumers
557 that are matters of public record and are likely to have an adverse
558 effect on a consumer's ability to obtain employment, but does not
559 include any public agency; (B) "consumer report" means any written,
560 oral or other communication of information bearing on an individual's
561 credit worthiness, credit standing, credit capacity, character, general
562 reputation, personal characteristics or mode of living; and (C)
563 "criminal matters of public record" means information obtained from
564 the Judicial Department relating to arrests, indictments, convictions,
565 outstanding judgments, and any other conviction information, as
566 defined in section 54-142g, as amended by this act.

567 (2) Each consumer reporting agency that issues a consumer report
568 that is used or is expected to be used for employment purposes and
569 that includes in such report criminal matters of public record
570 concerning the consumer shall:

571 (A) At the time the consumer reporting agency issues such
572 consumer report to a person other than the consumer who is the

573 subject of the report, provide the consumer who is the subject of the
574 consumer report (i) notice that the consumer reporting agency is
575 reporting criminal matters of public record, and (ii) the name and
576 address of the person to whom such consumer report is being issued;

577 (B) Maintain procedures designed to ensure that any criminal
578 matter of public record reported is complete and up-to-date as of the
579 date the consumer report is issued, which procedures shall, at a
580 minimum, conform to the requirements set forth in section 54-142e, as
581 amended by this act.

582 (3) This subsection shall not apply in the case of an agency or
583 department of the United States government seeking to obtain and use
584 a consumer report for employment purposes if the head of the agency
585 or department makes a written finding pursuant to 15 USC
586 1681b(b)(4)(A).

587 Sec. 9. Subsection (a) of section 29-11 of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective*
589 *October 1, 2016*):

590 (a) The bureau in the Division of State Police within the Department
591 of Emergency Services and Public Protection known as the State Police
592 Bureau of Identification shall be maintained for the purposes of (1)
593 providing an authentic record of each person sixteen years of age or
594 over who is charged with the commission of any crime involving
595 moral turpitude, (2) providing definite information relative to the
596 identity of each person so arrested, (3) providing a record of the final
597 judgment of the court resulting from such arrest, unless such record is
598 sealed or has been erased pursuant to section 54-142a, as amended by
599 this act, and (4) maintaining a central repository of complete criminal
600 history record disposition information. The Commissioner of
601 Emergency Services and Public Protection is directed to maintain the
602 State Police Bureau of Identification, which bureau shall receive,
603 classify and file in an orderly manner all fingerprints, pictures and

604 descriptions, including previous criminal records as far as known of all
605 persons so arrested, and shall classify and file in a like manner all
606 identification material and records received from the government of
607 the United States and from the various state governments and
608 subdivisions thereof, and shall cooperate with such governmental
609 units in the exchange of information relative to criminals. The State
610 Police Bureau of Identification shall accept fingerprints of applicants
611 for admission to the bar of the state and, to the extent permitted by
612 federal law, shall exchange state, multistate and federal criminal
613 history records with the State Bar Examining Committee for purposes
614 of investigation of the qualifications of any applicant for admission as
615 an attorney under section 51-80. The record of all arrests reported to
616 the bureau after March 16, 1976, shall contain information of any
617 disposition within ninety days after the disposition has occurred.

618 Sec. 10. Subsection (c) of section 46a-80 of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective*
620 *October 1, 2016*):

621 (c) A person may be denied employment by the state or any of its
622 agencies, or a person may be denied a license, permit, certificate or
623 registration to pursue, practice or engage in an occupation, trade,
624 vocation, profession or business by reason of the prior conviction of a
625 crime if, after considering (1) the nature of the crime and its
626 relationship to the job for which the person has applied; (2)
627 information pertaining to the degree of rehabilitation of the convicted
628 person; and (3) the time elapsed since the conviction or release, the
629 state or any of its agencies determines that the applicant is not suitable
630 for the position of employment sought or the specific occupation,
631 trade, vocation, profession or business for which the license, permit,
632 certificate or registration is sought. In making a determination under
633 this subsection, the state or any of its agencies shall give consideration
634 to [a provisional pardon issued pursuant to section 54-130e, or] a
635 certificate of rehabilitation issued pursuant to section 54-108f or 54-
636 130e, as amended by this act, and such [provisional pardon or]

637 certificate of rehabilitation shall establish a presumption that such
638 applicant has been rehabilitated. If an application is denied based on a
639 conviction for which the applicant has received a [provisional pardon
640 or] certificate of rehabilitation, the state or any of its agencies, as the
641 case may be, shall provide a written statement to the applicant of its
642 reasons for such denial.

643 Sec. 11. Section 54-142k of the general statutes is repealed and the
644 following is substituted in lieu thereof (*Effective October 1, 2016*):

645 (a) Each person or agency holding conviction information or
646 nonconviction information shall establish reasonable hours and places
647 of inspection of such information.

648 (b) Each person or agency holding conviction information or
649 nonconviction information shall (1) update such information promptly
650 whenever related criminal history record information is under or
651 released from seal, erased, modified or corrected or when a pardon is
652 granted; and (2) post on any conviction information or nonconviction
653 information available to the public a notice that the criminal history
654 record information may change daily due to sealings and unsealings,
655 erasures, corrections, pardons and other modifications to individual
656 criminal history record information and that the person or agency
657 cannot guarantee the accuracy of the information except with respect
658 to the date the information is disclosed or obtained.

659 (c) Conviction information shall be available to the public for any
660 purpose.

661 (d) Nonconviction information shall be available to the subject of
662 the information and to the subject's attorney pursuant to this
663 subsection and subsection (e) of this section. Any person shall, upon
664 satisfactory proof of the person's identity, be entitled to inspect, for
665 purposes of verification and correction, any nonconviction information
666 relating to the person and upon the person's request shall be given a
667 computer printout or photocopy of such information for which a

668 reasonable fee may be charged, provided no sealed or erased record
669 may be released except as provided in subsection (f) of section 54-142a,
670 as amended by this act. Before releasing any exact reproductions of
671 nonconviction information to the subject of the information, the agency
672 holding such information may remove all personal identifying
673 information from such reproductions.

674 (e) Any person may authorize, in writing, an agency holding
675 nonconviction information pertaining directly to the person to disclose
676 such information to the person's attorney. The holding agency shall
677 permit such attorney to inspect and obtain a copy of such information
678 if both the attorney's identity and that of the attorney's client are
679 satisfactorily established, provided no erased record may be released
680 unless the attorney attests to such attorney's client's intention to
681 challenge the accuracy of such record.

682 (f) Any person who obtains nonconviction information by falsely
683 representing to be the subject of the information shall be guilty of a
684 class D felony.

685 Sec. 12. Sec. 54-301 of the general statutes is repealed and the
686 following is substituted in lieu thereof (*Effective October 1, 2016*):

687 (a) Not later than January 1, 2016, the Connecticut Sentencing
688 Commission shall post data on its Internet web site that the
689 commission received from the Board of Pardons and Paroles pursuant
690 to subsection (l) of section 54-130e, as amended by this act, and the
691 Court Support Services Division of the Judicial Branch pursuant to
692 section 54-108f, and shall update such data on its Internet web site
693 annually thereafter.

694 (b) The Connecticut Sentencing Commission, or its designee, shall
695 evaluate the effectiveness of provisional pardons issued pursuant to
696 section 54-130a, as amended by this act, and certificates of
697 rehabilitation issued pursuant to section 54-130e, as amended by this
698 act, and certificates of rehabilitation issued pursuant to section 54-108f,

699 at promoting the public policy of rehabilitating ex-offenders consistent
700 with the public interest in public safety, the safety of crime victims and
701 the protection of property. Such evaluation shall continue for a period
702 of three years from October 1, 2015. The commission shall submit a
703 report to the joint standing committee of the General Assembly having
704 cognizance of matters relating to the judiciary not later than January
705 15, 2016, January 15, 2017, and January 15, 2018, on the effectiveness of
706 such provisional pardons and certificates of rehabilitation at
707 promoting such public policy and public interest. Such report shall
708 include recommendations, if any, for amendments to the general
709 statutes governing such provisional pardons and certificates of
710 rehabilitation in order to promote such public policy and public
711 interest.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	54-130a
Sec. 2	<i>October 1, 2016</i>	54-142a
Sec. 3	<i>October 1, 2016</i>	54-142c
Sec. 4	<i>October 1, 2016</i>	54-142e
Sec. 5	<i>October 1, 2016</i>	54-142g
Sec. 6	<i>October 1, 2016</i>	46a-80(e)
Sec. 7	<i>October 1, 2016</i>	54-130e
Sec. 8	<i>October 1, 2016</i>	31-51i
Sec. 9	<i>October 1, 2016</i>	29-11(a)
Sec. 10	<i>October 1, 2016</i>	46a-80(c)
Sec. 11	<i>October 1, 2016</i>	54-142k
Sec. 12	<i>October 1, 2016</i>	New section

Statement of Purpose:

To distinguish the provisional pardon from the certificate of rehabilitation, to provide for the sealing of records of a provisional pardon holder and to provide for conversion of a provisional pardon to an absolute pardon if such person holds a provisional pardon for five years during which such person is not convicted of a crime.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]